

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ROGELIO PROMOTOR,

Petitioner,

v.

Case No. 07-CV-363

WILLIAM POLLARD,

Respondent.

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**ORDER**

On June 12, 2009, this court issued an order granting habeas petitioner Rogelio Promotor's ("Promotor") motion for leave to file in forma pauperis (IFP) on appeal, on the condition that he prepay the amount of \$68.33 on or before July 13, 2009. The court will vacate that order and grant Promotor's motion for IFP without the requirement of any prepayment.

A petitioner may commence an appeal without prepayment of fees under 28 U.S.C. § 1915 if he is indigent and the appeal is taken in good faith. 28 U.S.C. § 1915(a)(3). An appeal is undertaken in good faith when it includes any non-frivolous issue. See *Dixon v. Pitchford*, 843 F.2d 268, 270 (7th Cir. 1988). Indeed, the court need only find that a reasonable person could suppose that the appeal has some merit. *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000). This court granted Promotor a certificate of appealability. Therefore, a reasonable person could interpret his appeal as having merit and Promotor fulfills the "good faith" requirement.

In addition, Federal Rule of Appellate Procedure Rule 24 states that a party to a district court action who seeks to appeal in forma pauperis must provide an affidavit showing his inability to pay fees and costs, claims an entitlement to redress, and states the issues to be presented on appeal. Fed. R. App. P. 24(a)(1). Promotor fulfills these requirements by filing a motion, affidavit and prison trust account statement. These documents satisfy the court that Promotor is indigent and unable to pay the required fees. Thus, the court will grant Promotor's motion.

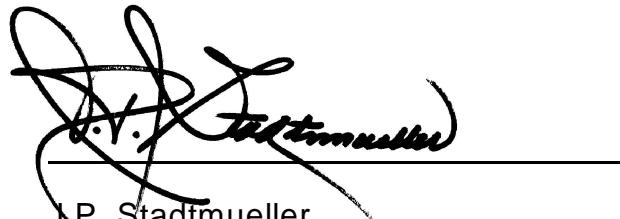
Accordingly,

**IT IS ORDERED** that the court's **order dated June 12, 2009** granting Promotor's motion on the condition that he prepay \$68.33 (Docket #28) be and the same is hereby **VACATED**;

**IT IS FURTHER ORDERED** that Promotor's motion to proceed in forma pauperis on appeal (Docket #26) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 19th day of June, 2009.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge